

Patent  
Attorney's Docket No. MA3005-0031

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )

Ryota SUGIMOTO )

Application No.: 09/870,672 )

Filed: June 1, 2001 )

For: IMPLANTABLE TUBULAR DEVICE )

Group Art Unit: 3764

Examiner: F. Mathew

Confirmation No.: 8651

AMENDMENTCommissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Official Action dated October 16, 2003, the response period being extended to April 16, 2004 by a petition for three month extension of time filed concurrently herewith, Applicant requests that the application identified above be amended in the following manner.

Amendments to the Claims are reflected in the claim summary which begins on page two of this paper.

Remarks begin on page ten of this paper.

04/14/2004 DENMAN/J 00000002 502985 09870672

01 FC:1202 54.00 DA

~~04/28/2004 STHOMAS 00000001 502985 09870672~~~~01 FC:1201 86.00 DA~~~~02 FC:1202 36.00 DA~~

Adjustment date: 06/23/2004 EEKUBAY1  
04/28/2004 STHOMAS 00000001 502985 09870672  
01 FC:1201 86.00 CR  
02 FC:1202 36.00 CR

06/23/2004 EEKUBAY1 00000005 024800 09870672

01 FC:1201 86.00 DA  
02 FC:1202 36.00 DA

The Kenealy Law Office, L.L.C.  
23 W. Myrtle Street  
Alexandria, VA 22301  
Tel. 703.518.8485  
Fax: 703. 518.8486  
www.KENEALYLAW.com

The **Kenealy**  
Law Office, LLC

*high quality patent services*

## FAX MESSAGE

### Send To:

Name: USPTO Refund Branch

FAX Number: 703-308-5077

Firm:

Telephone Number: 703-305-4229

---

### From:

Name: David J. Kenealy

Telephone Number: 703 518-8485

Date Sent: May 26, 2004

Number of Pages (INCLUDING COVER PAGE): 5

---

### Note:

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL AT OUR EXPENSE. THANK YOU.

---

### Comments:

David J. Kenealy  
The Kenealy Law Office, LLC  
23 W. Myrtle St.  
Alexandria, VA 22301  
(703) 518-8485 voice  
(703) 518-8486 fax

May 26, 2004

Mail Stop 16  
Director of the US Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Re: Request for \$122.00 Refund to Deposit Account 50-2985  
and Transfer of \$122.00 charge to Deposit Account No. 02-4800  
for fees related to U.S. Patent Application No. 09/870,672

Sir:

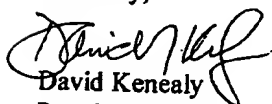
I am writing to request that the amount of \$122.00 charged on April 28, 2004 in the above-referenced case be refunded to my Deposit Account No. 50-2985, and that this same amount be withdrawn from Deposit Account No. 02-4800 to satisfy the new claims fees as originally authorized in a paper filed with the USPTO on July 7, 2003 (copy of relevant portion attached as Exhibit A).

Apparently, the USPTO failed to charge the amount of \$122.00 for one extra independent claim and two extra dependent claims when an Amendment was filed on July 7, 2003 in the above-referenced case. A copy of last page of Amendment Transmittal authorizing payment of fees in July 7, 2003 Amendment is attached as Exhibit A. The above-referenced case was transferred to my office in March 2004 and I was given an associate power of attorney (attached as Exhibit B) so that I, along with previous counsel (Burns, Doane, Swecker and Mathis, LLP) have power to act on this case. On April 28, 2004, the USPTO apparently discovered the deficiency in fees, and instead of charging the fees to the Burns, Doane, Swecker and Mathis, LLP deposit account, charged the fees to my deposit account (Copy of Fee Worksheet PTO 875 is attached as Exhibit C).

Accordingly, if possible, I ask that you kindly refund the April 28, 2004 charges of \$122.00 to my Deposit Account No. 50-2985, and that this same amount be withdrawn from the Burns, Doane, Swecker and Mathis, LLP Deposit Account No. 02-4800, as authorized by the July 7, 2003 paper filed in the above-referenced case.

Thank you very much for your consideration. Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

  
David Kenealy  
Reg. No. 40,411



Amendment/Reply Transmittal Letter  
Application No. 02/870.672  
Attorney's Docket No. 018961-054  
Page 2

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims	32	MINUS 30 =	2	× \$18.00 (1202) =	36.00
Independent Claims	4	MINUS 3 =	1	× \$84.00 (1201) =	84.00
If Amendment adds multiple dependent claims, add \$280.00 (1203)					0.00
Total Amendment Fee					120.00
If small entity status is claimed, subtract 50% of Total Amendment Fee					0.00
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					120.00

☐ A claim fee in the amount of \$ \_\_\_\_\_ is enclosed.

☒ Charge \$ 120.00 to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32,814

P. O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: July 7, 2003



Patent  
Attorney's Docket No. 018961-054

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Ryota SUGIMOTO

Application No.: 09/870,672

Filed: June 1, 2001

For: IMPLANTABLE TUBULAR DEVICE

)  
)  
) Group Art Unit: 3764

)  
) Examiner: F. Mathew

)  
) Confirmation No.: 8651

**ASSOCIATE POWER OF ATTORNEY**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned attorney of record in the above-identified application, hereby grants David J. Kenealy, Registration No. 40,411, an associate power of attorney in order to inspect, amend and otherwise prosecute the above-identified application on behalf of applicant(s).

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 5, 2004

By: Matthew L. Schneider

Matthew L. Schneider  
Registration No. 32,814

P. O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

RECEIVED  
APR 19 2004  
TECHNOLOGY CENTER 1570